# NC

## 1

As an overview to AC offense, they have to win that the *intrinsic* feature of gun ownership is not something we can endorse because reason dictates we look to the intrinsic feature of an action, not contingent consequences or mindset. This means the AC offense fails since it’s about consequences of gun ownership or the impact that owning guns has, not their intrinsic feature. So, prefer my offense: **a)** this just means we shouldn’t have the right to use a gun however we want, not that we don’t have the right to pursue a gun. There’s nothing intrinsic in owning a gun that is violent, only their specific use **-** we have the right to pursue things that could be used in violent ways since objects themselves are not violent or non-violent; their status depends on how we use them – e.g. we can kill others, but we shouldn’t ban people, **b)** there might be some consequences of gun ownership but that isn’t something we *will*, since the government can pass a handgun ban without the occurrence of those consequences**, c)** the government only enacts a handgun ban in the world of the aff, which means that they have to prove that the intrinsic nature of a ban is good, not anything else. Mindsets are not intentions – for example, I can desire to go to the moon, but that does not constitute an intent—you can’t generate offense about why private property or things allowed by handgun possession are bad since that relates to policymakers desires **d)** there are worlds that exist where the offense they generate about guns doesn’t occur, which means that it’s not intrinsic to guns, so that’s not a reason to vote for them under their framework. **e)** All of their offense deals with the \*effects\* guns have on society. obviously effects are a comparative question, if the effects of implementing a gun ban are worse than the harms, I win. **f)** intentions in terms of government desires rather than the structure of the aff’s maxim are irresolvable – there are a large number of policymakers with different hopes for the outcome of the policy.

And – the aff is an instance of governmental coercion. Banning handguns violates freedom: a state cannot restrict an individual’s ends even if it maximizes the end-setting of another individual.

Ripstein Arthur Ripstein, “Beyond the Harm Principle,” University of Toronto, http://www.law.utoronto.ca/documents/Ripstein/beyond\_harm\_principle

The fact that the despots in question act through an elected legislature doesn’t solve the problem. It just serves as a reminder, in case anyone needed one, that legislatures are despotic if they advance private purposes rather than public ones. That possibility isn’t limited to paternalism: any criminal prohibition that doesn’t protect sovereignty is a despotic violation of it. Your neighbour cannot decide which ends you may pursue; nor can the majority of your neighbours, acting through the state. As a special case of this, they can’t act through the state to prohibit you from doing something that isn’t objectionable as a means of preventing you, or someone else, from doing something that is. That is liberalism’s core insight: Against the private choices of others, the individual’s sovereignty is, as Mill says, absolute.13

1. Guns are not intrinsically coercive – even if guns can be used for wrong, those are reasons governments should regulate those uses of gun, rather than banning ownership. B. Prison is inherently degrading and exclusionary since the ability to set ends is drastically reduces, which outweighs reasons guns can be bad since it’s intrinsic to prison C. You’ll say guns can be used for violent purposes – that means *violent uses* of guns shouldn’t be permitted, but possessing an object can never violate freedom

**This degrades the possibility of an ethical community and outweighs: 1.** The end of your framework is a community that obeys laws of practical reason, but this is a constraint not an end; we must have conclusive obligations to others that respect their ends since it allows us to unite their particular and universal needs. Non-interference precludes conceptions of positive obligations to the other. **2.** Without rights, an ethical community is impossible since individuals don’t have a realm for exercise of subjectivity, so they can’t form a notion of themselves which lets them participate **3.** Only freedom restrained by actions that make freedom impossible enables plurality of interests within a community since no one can impose values on others; this is key, since otherwise communities lose their particularity. **4.** The aff justifies inclusion as a normative good, so we should never be excluded since ability to engage in moral discussions is intrinsically valuable, and we can never violate them. **5.** The true ethical community is one between our consciousness and the transcendental unity of apperception - rules do not derive from social contexts. Universal reason is thus the basis of normativity; we overcome individual biases by holding our own thoughts to universalizeable standards. Willing coercion as a universal law is contradictory.

Engstrom Stephen (Professor of Ethics at UPitt). “Universal Legislation As the Form of Practical Knowledge.”

Given the preceding considerations, it’s a straightforward matter to see how **a maxim** of action **that assaults** the **freedom** of others with a view **to further**ing one’s own **ends results in a contradiction** when we attempt to will it as a universal law in accordance with the foregoing account of the formula of universal law. Such a maxim would lie in a practical judgment that deems it good on the whole to act to limit others’ outer freedom, and hence their self-sufficiency, their capacity to realize their ends, where doing so augments, or extends, one’s own outer freedom and so also one’s own self-sufficiency. 19In this passage, Kant mentions assaults on property as well as on freedom. But since property is a specific, socially instituted form of freedom, I have omitted mention of it to focus on the primitive case. Now on the interpretation we’ve been entertaining, applying the formula of **universal law involves considering whether** it’s possible for **every person**—every subject capable of practical judgment—to **share[s] the** practical **judgment asserting the goodness of** every person’s acting according to **the maxim** in question. Thus in the present case the application of the formula involves considering whether it’s possible for every person to deem good every person’s acting to limit others’ freedom, where practicable, with a view to augmenting their own freedom. **Since** here **all persons** are on the one hand **deem**ing **good** both the **limitation of** others’ **freedom and** the **extension of their own** freedom, while on the other hand, insofar as they agree with the similar judgments of others, also deeming good the limitation of their own freedom and the extension of others’ freedom, **they** are all **deem**ing **good both the extension and the limitation of both their own and others’ freedom.**

**6.** Intention-based actions outweigh – it’s the only way individuals can be held accountable to their choices and thus we could claim some *actor* was immoral or moral rather than some *state of affairs* was moral since the res makes a judgment about an actor’s obligations. **7.** If we coerce others we can never see them as intrinsically valuable since they are only a means, which makes mutual recognition impossible. Positive obligations lead to external contradictions. I could never save all those in harm’s way and thus would have conflicting positive obligations, rendering them nonsensical in terms of creating moral obligations. **8.** Positive obligations create internal contradictions. The positive freedom I see in someone else to live will contradict my negative freedom to my kidneys and other organs—means it would be impossible to resolve or generate duties as per the AC.

# Case

## Answers

### A2 Handguns = Violent

1. There can be other uses
   1. Individuals have a sense of personal safety if someone were to attack them
   2. Deterrence – someone would be less likely to attack if one had a gun
   3. Gun collection
2. Any claim that handguns are violent relies on calculations of external consequences which are irrelevant; objects do not have intrinsic telos that make them violent; aff logic justifies never passing laws since laws can oppress people, so you’d negate.

### A2 Trust

**1. Turn:** the aff increases cynicism towards the government which decreases the likelihood people will abide by any regulations. Mauser 3

Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.

The demonization of average people who happen to own a gun lays the foundation for a massive increase in governmental intrusiveness in the lives of ordinary citizens. Firearm registration and owner licensing threatens long-standing Canadian liberties and freedoms. The type of gun control Canada has enacted is not consistent with many democratic principles and the protection of civil liberties. Nevertheless, Canada is spearheading a move in the United Nations to impose a similar regime of draconian restrictions around the world. Disarming the public greatly increases cynicism about government among much of the population and it diminishes their willingness to comply with other, future regulations that might even be more sensible. The sense of alienation grows with the severity of the restrictions and with the ineffectiveness of their result. Unfortunately, policy dictates that the current directions will continue and, more important, will not be examined critically. This last is a guarantee of the increase of that future alienation. It will only worsen as the mass media become slowly aware that their bias towards the banning of guns has been misdirected and begin shifting their attention to the large quantitsies of money that have been wasted in pursuit of a dream of social engineering that was doomed from the start. Only the United States has witnessed a dramatic drop in criminal violence over the past decade. The justice system in the United States differs in many ways from those in the Commonwealth but one of the important reasons for the drop in violent crime may be that responsible citizens are increasingly carrying concealed handguns (Lott 2000). In contrast, authorities in the PUBLIC POLICY SOURCES, NUMBER 71 The Failed Experiment 20 The Fraser Institute Commonwealth insist upon a monopoly of force. If the goal is deterring criminal violence, perhaps it is time for Commonwealth countries to encourage more individual self-reliance. Gun laws may not reduce violent crime but criminal violence causes gun laws—at least, well-publicized crimes do. The only winner in this drama is bureaucracy. The rest of us lose liberty as well as safety. It is an illusion that further tinkering with the law will protect the public since no law, no matter how restrictive, can protect us from people who decide to commit violent crimes. There have always been criminals, and there have always been deranged people. Murder has been illegal for thousands of years: we need only remember the saga of Cain and Abel. The mass media find gun crimes more newsworthy but multiple civilian murders by arson have historically claimed more lives than incidents involving firearms.

**2. Turn:** gun control causes Americans to buy more guns because they fear government intrusion which increases gun culture. Esposito and Finley 14

Luigi Esposito (Associate Professor of Sociology and Criminology at Barry University) and Laura Finley (Assistant professor of Sociology and Criminology at Barry University) “Beyond Gun Control: Examining Neoliberalism, Pro-gun Politics and Gun Violence in the United States” Theory in Action, Vol. 7, No. 2, April (© 2014) <http://transformativestudies.org/wp-content/uploads/10.3798tia.1937-0237.14011.pdf> JW

NEOLIBERALISM AND THE SECOND AMENDMENT According to various commentators, the modem Second Amendment/Pro-gun Movement gained momentum in the mid-20th century as a backlash against the advances made by the Feminist and Civil Rights Movements (e.g., Burbick 2006; Connel 2005; Ansell 2001). Specifically, the Second Amendment became a tool to defend White male privilege against the threat of an activist government (what by the 1980s become widely known as the "nanny state") that supported feminist ideals and coddled racial minorities and other presumably "undeserving" groups. These fears, combined with laws such as the Gun Control Act of 1968, are also what, at least in part, prompted the radicalization of the National Rifle Association (NRA). Indeed, by the 1970s, the NRA "underwent a political revolution" and went from being primarily a sports organization to a far right pro-gun lobby (e.g., Melzer 2009). By the early 1980s, neoliberalism gained prominence under the Reagan administration. Interestingly, it was during the Reagan administration's neoliberal restructuring of the "American political, economic, and cultural landscape" that this country witnessed an increase in gun violence and especially a rise in mass shootings.5 As Reagan's neoliberal reforms gutted the welfare state and the idea of self-reliance became promulgated as synonymous with a free society, success became increasingly "defined in terms of power, economic attainment, and social status" (Klein 2012, p. 156). All these measures, according to various critics, promoted an apathetic society where social bonds became increasingly eroded and replaced by hedonistic materialism, rabid individualism, extreme competition, and narcissism (e.g., Klein 2012, see also Hall, Winlow, and Ancram 2005). To a large extent, this trend continues to this day. As has been widely documented, since the Reagan era, there has been a dismantling of community in favor of a hyperindividualized type of liberty in which the unrestrained pursuit of selfgain is valued over everything else (e.g., Giroux 2008; Esposito, 2011). In recent years, millions of Americans who embrace the neoliberal emphasis on individual liberty over everything else have become particularly suspicious about the U.S. government under President Obama. Because the president has, to some extent, shown more willingness than many previous presidents to deploy the power of the state to promote a variety of social and economic objectives-e.g., signing the Recovery Act, passing Healthcare Reform, strengthening the nation's safety net for the needy, etc.- millions of Americans regard this as a shift to "socialism." Consistent with neoliberal philosophy, a large segment of the American electorate believes that Obama's presumably interventionist policies signify the onset of a growing state apparatus (an unprecedented "big government") whose influence will gradually seep into every facet of social life and undermine personal liberty, self-reliance, and the free market. In short, millions of Americans believe that Obama's policies are paving the "road to serfdom" feared by Hayek (1944). In recent months, calls for tighter gun control among President Obama and other people in government (e.g., Senator Dianne Feinstein's proposal to re-instate a federal ban on assault weapons) have further reinforced fears of tyranny and government intrusion on Americans' "private lives."6 Stated simply, the Second Amendment, which is often regarded by the pro-gun/anti-gun control community as a requisite for freedom and the primary basis for all other individual rights, is believed by millions of Americans to be currently under attack. Even a cursory reading of some of the statements put out by the NRA and other pro-gun groups-particularly against President Obamaclearly reveals this sentiment. For example, in his recent book titled America Disarmed, Wayne LaPierre (2011), CEO of the NRA, argues that President Obama is the most anti-Second Amendment president the country has ever seen. LaPierre associates the president's presumably anti-gun zealotry to allegations that Obama has been profoundly influenced by supporters of communism such as Frank Marshall Davis and other alleged sympathizers of totalitarian governments. LaPierre even suggests that Obama's own fatheran alleged "anti-Western Communist"- might have shaped his presumably fanatical anti-gun/anti-Second Amendment stance, as Obama Sr. "favored the kind of oppressive discriminatory government that almost necessarily requires a disarmed populace" (LaPierre, 2011, p. 265). Important to note is that this fear of tyranny promoted by LaPierre and the NRA in general has undoubtedly benefitted the gun industry. As Fang (2012) notes: Fear that the government will disallow guns has resulted in Americans flocking to stores to stock up on weapons-lots of them. From Alaska to Florida, gun sales across the country are going through the roof...In Tennessee, officials say gun purchases likely hit an all-time high. Walmart has reportedly run out of semiautomatic rifles in five states. Interestingly, the NRA itself benefits financially from gun and ammunition sales, a fact not widely known by the public. As suggested by Dreier (2013): On its website, the National Rifle Association claims that it is not affiliated with any firearm or ammunition manufacturers or with any businesses that deal in guns and ammunition. This is a lie, as a number of recent reports have documented. In fact, the NRA is primarily a front group for the nation's gun manufacturers. The NRA receives a dollar for every gun or package of ammunition sold at participating stores. Other NRA corporate fundraising initiatives also allow customers to make donations to the NRA at the time of purchase. Some, like Sturm, Roger & Co., even mandate contributions for every purchase. And, importantly, since these deals are part of the NRA's 501(c)4 affiliate, not its' 501(c)3 status, the funds can be spent on political advertisements and for lobbying for gun-friendly legislation (Fang, 2012). Sugarmann (2012), for example, notes that between 2005 and 2010, the NRA received somewhere between $19.8 and $52.6 million in contributions from corporate partners, most of which (74%) are gun or ammunitions manufacturers or producers of other shootingrelated products. Considering all this, the argument can be made that the fear tactics used by the NRA are consistent with what Naomi Klein describes in her book The Shock Doctrine: The Rise of Disaster Capitalism. Namely, by encouraging fear that "Obama will take our guns," the NRA manipulates public opinion to push a neoliberal agenda associated with de-regulation that benefits the gun industry. The NRA, of course, is not alone in promoting this sort of fear mongering. Similar arguments about Obama's and other politicians' proposed gun controls being an attempt to disarm Americans in an effort to institute a tyrannical "big government" have been made in recent months by various public officials, media pundits, and at anti-gun control rallies, which are overwhelmingly attended by White men.7 According to various writers, this fear of disarmament and tyranny are also typically racialized in that they are often expressions of "anxieties associated with White men's declining status" (Carlson, 2012, p. 1113). On this point, Tom Diaz, author of several books about the gun industry, recently noted the following in an interview: If you look at where these guns are sold, this is primarily a Red State phenomenon. People are driven by a fear of the other. NRA President Wayne LaPierre talks often in terms of race and ethnicity. The gun industry's consumers are afraid, the world is changing around them, and they think guns will protect their way of life (Winston & Graham, 2013). These fears, however, also go beyond a racial issue. Indeed, what is at stake, according to many gun supporters, is not simply a threat to White privilege and gun ownership but the future offreedom itself Referring to the alleged menace of gun control, Forbes magazine's Lawrence Hunter (2012) recently wrote: It's not really about the guns; it is about the government's ability to demand submission of the people. Gun control is part and parcel of the ongoing collectivist effort to eviscerate individual sovereignty and replace it with dependence upon and allegiance to the state. Another related narrative used among gun supporters to oppose gun controls is that such measures leave responsible, law abiding citizens without any viable means of protecting themselves against criminals and/or violent predators. Consistent with the neoliberal claim that government is inept, this common argument is predicated on the idea that the state (this includes the police and other law enforcement agencies) is inefficient and thus largely incapable of protecting citizens (see Carlson 2012). Disarming the public is thus akin to a proverbial "throwing the lambs to the wolves" scenario. This distrust of government, along with the fact that fear of crime in the U.S. is out of proportion to actual crime rates (e.g., Shelden, 2010), encourages an insistence among millions of Americans to want easy access to guns as a way to protect themselves, their families, and their property. This logic fits perfectly with (and is reinforced by) neoliberal ideology and its emphasis on private solutions to all problems. This same ideology is also what has encouraged and glamorized the sort of rugged individualism that is at the heart of pro-gun politics.

This turns and outweighs aff solvency: a) scope—even if the aff cuts off one head of the neoliberal system, it strengthens it more b) magnitude—gun culture stems from fear and manipulation and industrial exploitation, so you strengthen the root cause of the squo’s harms.

### A2 Julius/Jaeggi

1. T - Individuals must be able to set, rather than merely desire ends – since any end requires interaction with the external world, ability to have an exclusive claim to an object is necessary to have the ability to decide to act, otherwise they’d have no expectation others would enable their action and freedom would be impossible.
2. T - The only legitimate constraint on freedom is an action that intrinsically violates the freedom of others, but since objects aren’t agents an intrinsic violation is impossible.
3. Property rights make humans social beings and give them the ability to deliberate.

McGregor, Joan L., Property Rights and Environmental Protection: Is this Land made for You and Me?. Arizona State Law Journal, Vol. 31, Pp. 391-437, 1999. Available at SSRN: http://ssrn.com/abstract=190189

To be a good citizen is to engage in deliberating about the common interests of the community and to participate in constructing the rules that will bind everyone, including oneself. **If an individual is dependent on another because** he or **she lacks property, then, that person might be too easily influenced** by those he or she is dependent on **and thereby not be able to get the proper critical distance to deliberate about the community's interests. Property "lent independence to individuals** and that independence **enabled them to exercise the autonomous judgment necessary for** their common **self-rule." "** According to this view, property is the material foundation for creating and maintaining the proper social order. In other words, private property is the private basis for the public good.'26 This tradition, whose roots can be traced back to Aristotle, has understood the individual human as an inherently social being, requiring society to develop one's fully human capacities. There is then a kind of interdependency among persons on supporting and maintaining the social and political conditions that are most conducive to human flourishing. Individuals, on this account, owe one another obligations, not by virtue of consent alone, but as an inherent incident of the human condition. Liberal theorists in this tradition argue for obligations to develop and maintain certain kinds of culturally rich societies that facilitate individuals' autonomous development by ensuring an abundant range of opportunities and experiences from which to choose. Society ought to foster the development of individuals' own capacities; having some property is a prerequisite for that development. Since Kant, Hegel, and others within this liberal republican tradition emphasized the social construction of property rights, they would not consequently oppose restrictions for the social good, particularly when that good can be viewed as advancing the interests that the institution of property is designed to promote.'27 For liberals such as Kant and Hegel, **the state is charged with designing a property regime that will facilitate the full development of individuals' capacities.** Liberals of this type, sometimes referred to as welfare liberals, see the state's job as ensuring justice and an environment, or community, conducive to individuals pursuing their own life plan. 2' Property provides the material basis for autonomous self-development, but this conception of personhood only develops within certain kinds of communities.

1. Property rights might be bad, but it doesn’t explain the appropriate response, so coercion outweighs
2. This just says that a completely minarchist conception of rights is insufficient to include others, but that’s irrelevant since I don’t defend that.
3. My turns outweigh—it says that we can’t look only to negative rights since that would be inconsistent with some positive rights but that presupposes positive rights are relevant at all.

### A2 Fichte

#### Gun ownership does not remove from the state’s monopoly on force.

Baker 14 Deane-Peter (UNSW Canberra) “Gun Bans, Risk, and Self-Defense” International Journal of Applied Philosophy 28:2 pp. 235-249 2014 JW

But is McMahan right? I don't believe he is. For one thing, if the state's monopoly on force were merely a consequence of the police having an advantage in firepower over the populace then we would have to say that, in the United States at least, the state lost that monopoly a long time ago. While there are no exact figures on the number of firearms in private hands in the United States, official estimates put the figure at somewhere around 310 million34—the law enforcement community in the U.S. is without doubt 'outgunned' on any direct comparison of firepower. But the weight of the state's monopoly on force is as much, or more, a product of societal norms as it is of relative firepower. McMahan also misses the point that an ordinary law-abiding citizen who owns and perhaps employs a firearm in legitimate self-defense does not by virtue of doing so resort to 'vigilantism.' So long as said civilian acts within the law (which allows her the right to use force in self-defense under appropriate circumstances) she is in effect licensed by the state to use force in this manner, and is thereby acting as a proxy agent of the state in doing so. It is only if most gun owners act in opposition to the laws enacted by the state that the state's monopoly on force is threatened. But, pace McMahan, there is no reason to think that to be the case.

1. The government has larger guns and the ability to get more powerful weapons so individual’s don't undermine the existence of the state. Substitution also turns case – individuals have comparatively more power
2. The state *does* have a monopoly on violence – individuals can’t assault policemen or kill presidents, the possibility of a revolution is not offense for you

## Turns

### Prisons

#### Handgun bans massively increase incarceration and reify racial divisions, making the war on drugs pale in comparison.

Kopel 92 Banning Handguns? By David B. Kopel http://www.davekopel.org/2A/OpEds/OpEdBanGun.htm 1992 NS

But while homicides of all types would increase, America would find itself increasingly short of the prison space in which to confine the additional murderers. The drug war (which Senator Chafee enthusiastically supports) is overwhelming the nation's prisons, making it increasingly difficult to confine violent criminals for lengthy terms. In many large cities, the criminal justice system is collapsing under the immense volume of drug prosecutions. **The** Chafee **war on handguns would make the war on drugs look small time.** In California, only 20% of gun-owners obeyed a requirement that they register their semi-automatics. In New Jersey, fewer than 2% of owners of "assault weapons" have complied with the legal mandate to surrender their guns. While there are only a few million "assault weapon" owners, about a quarter of all households in the United States contain a handgun. Under the most optimistic compliance scenarios, 15-20% of American households would ignore the handgun ban. Possessing newly-illegal handguns, tens of millions of Americans would now be defined as felons, eligible for Senator Chafee's five-year federal prison term[s]. The number of new "gun criminals" would be at least as large as the current number of "drug criminals." The only way to prevent the Chafee bill from swamping the criminal justice system would be to enforce the handgun ban sporadically, making the law a mockery, and creating serious risks of selective prosecution against minorities. America may never face the unintended consequences of the Chafee handgun confiscation, however, since the law would probably be declared unconstitutional. Senator Chafee insists that there is no Constitutional right of individuals to bear arms, and claims that pro-gun advocates "have not read their Constitution lately." The Senator, though, hasn't read Supreme Court opinions lately. In the 1990 Verdugo-Urquidez case, Chief Justice Rehnquist's majority announced that the phrase "the right of the people" has a consistent meaning in the Constitution. The Court specifically pointed to the First Amendment "right of the people peaceably to assemble," the Second Amendment "right of the people to keep and bear arms," and the Fourth Amendment "right of the people to be secure...against unreasonable searches." In every instance, Chief Justice Rehnquist wrote, the phrase refers to an individual right of Americans. To a Court looking to original intent, handguns would clearly be within the scope of the Second Amendment, since handguns were in common use at the time the Amendment was enacted. It is true that former Chief Justice Burger took a different Constitutional view, but he never decided any gun control cases when he was on the Court. The late Chief Justice's polemics in Sunday newspaper supplements carry less legal weight than do the current Chief Justice's formal opinions. Even putting aside the Second Amendment, the Chafee proposal runs afoul of another provision of the Bill of Rights which is enjoying increasing judicial solicitude: the Takings Clause of the Fifth Amendment, which states "nor shall private property be taken for public use without just compensation." Senator Chafee's offer to pay $40 each for the confiscated guns might be attractive to someone who owns a broken "Saturday Night Special." But with the average handgun today selling for over $300, the Chafee bill fails to offer just compensation for its taking of private property. Senator Chafee, like most gun prohibitionists, means well, but his proposal rests more on sentiment than on logic. **While America certainly needs improved gun laws,** a bill which would causes thousands of extra deaths, wreck the criminal justice system, and violate the Constitution is no place to start.

#### Incarceration causes individuals to valorize violence, which causes crimes and recidivism

Karp 10, David R. (a Interim Associate Dean of Student Affairs and Associate Professor of Sociology, Skidmore College. Correspondence for this article should be sent to David R. Karp, Interim Associate Dean of Student Affairs, Skidmore College, Saratoga Springs, NY 12866.) UNLOCKING MEN, UNMASKING MASCULINITIES: DOING MEN’S WORK IN PRISON. https://www.skidmore.edu/campuslife/karp/journal-articles/Unlocking-Masculinities.pdf The Journal of Men’s Studies, Vol. 18, No. 1, Winter 2010, 63-83. © 2010 by the Men’s Studies Press, LLC. NP 1/15/16.

Race is tightly bound with social stratification and segregation in American society (Massey & Denton, 1993), and racial tension persists in the prison setting where low-income, minority males are disproportionately represented. Among minority males, expressions of hypermasculinity may be used “as a defensive strategy to counter their feelings of marginality” (Gibbs & Merighi, 1994, p. 80). Inmates are often stratified by race, but also by the kinds of crimes they committed. Some crimes are masculinity resources, while others are liabilities. Crimes that imply toughness or rebelliousness, such as being a “cop killer,” are a masculine resource that can enhance status. Although all crimes are exploitive, the weaker or more vulnerable the victim, the less status it accords. Raping or killing a woman or a child is afforded the lowest status. “It was as if the weakness of the victim inhabited the perpetrator and made him weak ... killing a 67 UNLOCKING MEN, UNMASKING MASCULINITIES weaker person was perceived by the prisoners as an emasculation of the masculine self” (Bandyopadhyay, 2006, p. 190). Inmate hierarchies are established using the masculine resources available, primarily by hiding vulnerability and expressing physical dominance over other men, and reinforced by criminal history. Redefining Prison Masculinity In a literature review of men’s self help groups by Mankowski and Silvergleid (1999-2000, p. 283), hegemonic masculinity in American culture has been found to “contradict[s] basic human needs and desires for intimacy and emotional expression, creating stress and conflict between men’s core selves and social expectations.” This contradiction is intensifie[s]d in prison as the gender strategies enacted for survival in prison are also criminogenic risk factors that limit inmates’ likelihood of successful societal reintegration. Indeed, successful reentry is rare. Sixty-seven percent of former inmates are rearrested within three years of release, and 52 percent are reincarcerated (Petersilia, 2003, p. 140). Toch (1998) argues that hypermasculinity may serve short-term goals in prison, but is unsustainable and ultimately counter-productive. “Sooner or later, hypermasculine men must age and must face their decreased capacity and propensity for violence” (p. 174). As their hypermasculine resources diminish, inmates face depression, hopelessness, and may resort to violent and suicidal escapist fantasies—a “pseudo-reparative script”—in which an inmate “believes that he can save the meaning of his life by heroically losing it” (p. 175). Given the long duration of many inmates’ sentences, Toch proposes programming to address hypermasculinity and especially include men who are experiencing diminishing masculine resources because they would be the most receptive to and in need of an alternative conception of masculine identity. Surprisingly, given the rise of men’s studies and masculinities research in criminology, almost no attention is given to interventions that help inmates redefine masculinity in a way that will help them succeed upon reentry. If limited, distorted adaptation to manhood is a major source of crime, if prison culture exacerbates this problem, then how would researchers and practitioners design interventions to specifically isolate “hypermasculine” risk factors and alter them? What would such interventions look like programmatically?

**A.** magnitude- no freedom in prison prevents engagement in an ethical community since you can’t act upon your aims. **B.** severity- violence becomes the crux of identity rather than something people feel just while carrying guns. **C.** reversibility- individuals can give up their guns, but hyper-masculine values lead to high recidivism so people get put back in prison- those impacts are ingrained permanently **D.** strength of link- takes out the aff offense since people will see the government as contradictory by rejecting violence but forcing people to live violent lives- no one internalizes the aff values. That’s empirically confirmed- high recidivism proves nobody cares about the aff. **E**. severity – incarceration eliminates any possibility for social participation

Schnittker and John 7 summarize. Jason Shnittker and Andrea John (Jason Schnittker is Janice and Julian Bers Assistant Professor of Sociology at the University of Pennsylvania. His research interests center on health disparities, with a particular focus on social psycho logical processes. He is also interested in translating the insights of medical sociology to health policy. Recent research appears in, among other places, American Sociological Review and the Journal of Health Politics, Policy, and Law. Andrea John is a recent graduate of the University of Pennsylvania. She is currently employed in the fi nancial sector, but remains interested in medical sociology, doctor-patient interaction, and health inequali ty). American Sociological Association Journal of Health and Social Behavior 2007, Vol 48 (June): 115-130. Enduring Stigma: The Long-Term Effects of Incarceration on Health. NP 3/15/16.

Incarceration's most powerful effects might emerge only after a sentence has been served. There is a good deal of evidence that contact with the criminal justice system affects employment and social support in two ways: inmates are unable to develop normal credentials while in prison, including a work history, marketable skills, and social capital; and incarceration itself constitutes a negative credential that is far more difficult to overcome than a skill deficit or time spent out of the labor force. To many employers, the mark of a prison sentence signals unreliability, and few are willing to take the chance of hiring an applicant with a criminal record (Pager 2003). Incarceration affects social integration in much the same way. Few marriages survive the time and distance of a prison sentence, and this partly reflects the more general effects of non cohabitation and poor communication (Rindfuss and Stephen 1990). Nevertheless, the effects of incarceration might be particu larly damaging. The prison environment may foster psychological orientations that prevent integration and intimacy, including suspicion and aggression (Wheeler 1961). These orienta tions are difficult to set aside, and few prisons provide counseling in anticipation of the tran sition (Haney 2003). Even among well adjusted ex-inmates, incarceration can have lingering effects because of the "contagion" of stigma (see Goffman 1963). Virtually all ac counts of the psychological adjustment of for mer inmates point to the spread of stigma. Incarceration produces shame and anger with in families (Hagan and Dinovitzer 1999) and undermines trust even among close friends (Braman 2004), suggesting an especially diffi cult time with social reintegration. The spread of stigma appears to be so strong that some ex inmates report better adjustment after moving to a new community altogether (Rose and Clear 2003). These pathways may be sufficient to link in carceration with health. Poverty, unemploy ment, and social isolation are among the most powerful risk factors in all of social epidemiol ogy, linked to a wide assortment of physical and mental health outcomes (House, Landis, and Umberson 1988; Robert and House 2000; Williams and Collins 1995). Yet, if the under lying process is stigma-related, the association goes much deeper. A stigma-based approach encourages an expansive view, one that draws our attention to a variety of mutually reinforc ing mechanisms existing at many levels and connected by a multifaceted process (Link and Phelan 1995; Link and Phelan 2001). Given this web of risks, the health effects of incarcer ation are unlikely to depend on any one mech anism, be it intrapsychic, interactional, or structural. Beyond risk redundancy, there are likely to be some complementarities, yielding synergistic effects and cumulative disadvantage. In some particular instances, for example, discrimination against former inmates is officially sanctioned. Many states deny felons the right to vote (Uggen and Manza 2002); federal policy allows housing authorities to deny pub lic housing to those whose activities might en danger the health of other residents (Legal Action Center 2000a); and those convicted of a drug felony can be banned from receiving wel fare benefits (Legal Action Center 2000b). Even in the absence of these barriers, stigma can exert a powerful effect, given how it links social and psychological risks. Former inmates who are able to secure steady employment and housing are, nevertheless, likely to suffer from the stress of diminished status (Braman 2004); former inmates who are able to affiliate with mainstream society may still have little power over their social identity and are typically forced to repeatedly prove their worth (Rose and Clear 2003); and former inmates can easi ly be discouraged from the kinds of tenacity, optimism, and verve necessary to overcome barriers in an unsupportive environment (Haney 2003). Incarceration warrants additional attention insofar as it contributes to disparities. Rates of incarceration are especially high among African American males, a group that has long experienced relatively poor health (Williams and Collins 1995).

## Solvency

### 3D Printers

#### Gun control is unenforceable- people can make them with computers.

Rosenwald 13 Michael S. (reporter) “Weapons made with 3-D printers could test gun-control efforts” February 18th 2013 The Washington Post <https://www.washingtonpost.com/local/weapons-made-with-3-d-printers-could-test-gun-control-efforts/2013/02/18/9ad8b45e-779b-11e2-95e4-6148e45d7adb_story.html?hpid=z1> JW

[Brackets in original] Three-dimensional printers offer a potentially easy way around restrictions and registrations — a source of growing consternation among gun-control advocates and some allies in Congress. “There’s really no one controlling what you do in your own home,” Lerol said. Though printing guns is a craft still in its infancy — Lerol hasn’t tested his parts yet at a gun range — technology experts, gun rights proponents and gun safety advocates say the specter of printable firearms and ammunition magazines poses a challenge for Obama and lawmakers as they craft sweeping gun-control legislation. One controversial idea, pushed by Sen. Dianne Feinstein (D-Calif.), is to outlaw high-capacity magazines. But some proponents of 3-D printed guns have already made high-grade plastic replicas. “Obviously, that has to be one of her nightmares,” said Larry Pratt, executive director of Gun Owners of America, a lobbying group opposed to additional restrictions. “If her ban was to pass and this technology moves beyond its infancy, Dianne Feinstein is going to have a bit of a challenge.” Feinstein’s proposed legislation, which would also ban AR-15s, restricts manufacturing of such items by anyone in the country, said a spokesman for the senator. But 3D-printing experts say that logic is dated and misses the point of the technology. Making guns for personal use has been legal for decades, but doing so has required machining know-how and a variety of parts. With 3-D printers, users download blueprints from the Internet, feed them into the machine, wait several hours and voila. “Restrictions are difficult to enforce in a world where anybody can make anything,” said Hod Lipson, a 3-D printing expert at Cornell University and co-author of the new book, “Fabricated: The New World of 3D Printing.” “Talking about old-fashioned control will be very ineffective.” It is unclear how many people are trying to print their own gun parts and magazines. But Cody Wilson, a University of Texas law student who is leading the ideological and technical campaign for 3-D printed guns through an organization called Defense Distributed, said blueprints have been downloaded hundreds of thousands of times from his group’s Web site. “People all over the world are downloading this stuff all the time — way more people than actually have 3-D printers,” he said. “This is hot stuff on the Internet now.” Wilson and a friend founded Defense Distributed last February while looking for a “post-political” project to challenge governmental scrutiny and regulations. He speaks of “prohibitionist regimes” and anarchistic urges and challenging “democratic control.” Though he shot guns as a Boy Scout, Wilson doesn’t consider himself a gun person. He doesn’t consider himself a tech geek either. His motivations, he said, are ideological and go way beyond the Second Amendment. “This is a symbolic challenge to a system that says we can see everything, regulate everything,” he said. “I say, ‘Oh really?’ My challenge is: Regulate this. I hope with that challenge we create such an insurmountable problem that the mere effort of trying to regulate this explodes any regulatory regime.” Wilson’s group has posted several videos to YouTube of AR-15s firing rounds with 3-D printed high-capacity magazines and lower receivers, the part that includes the firing mechanism and is the only regulated portion of the gun if it’s bought over the counter. Wilson’s parts are made from high-grade polymer and retrofitted to the bodies of existing weapons. The receivers are made able to fire by adding over-the-counter springs, pins and a trigger. In one recent video, Wilson fires dozens of rounds from an M-16 using a 3-D printed high-capacity magazine. “How’s that national conversation going?” he asks. Defense Distributed also runs a Web site called Defcad, where anyone can download gun designs and trade tips. The other day, a user posted this question to a discussion board on the site: “I know nothing of 3d printers. I can tell there are a few different types of materials to print and some appear to be easier to break than others. What printer and material is the best for printing a receiver and mags?” Lerol, working in his spare bedroom, is using a $1,300 machine called the Cube, which is made by a division of 3D Systems, a large publicly traded manufacturer of consumer and industrial 3-D printing machines. The cheaper, consumer versions of 3-D printers like the one Lerol uses are only capable of printing with plastics, while more expensive, industrial-scale machines can print sturdier materials such as high-grade polymers. Experts expect printer prices to fall as part of the normal technology curve. (Think about the price of flat screen TVs five years ago. Or a computer two decades ago.) And that makes Lipson, the Cornell expert, nervous because cheaper machines could help people make cheap guns for one-time use. “The threat is not of 3-D printing military-grade weapon components from standard blueprints on industrial 3-D printers,” Lipson said. “The challenge is that [do-it-yourself] 3D printers can be used by anyone to print rogue, disposable and shoddy guns that could be used to fire a few rounds, then be recycled into a flower vase.” Though Lerol acknowledges how easy these machines make it to get around regulations, his motivations, he said, are benign. He is a tinkerer, he likes guns and he likes messing around the house. He insists he has no interest in flouting whatever restrictions might win approval, but gun-control advocates and some legislators worry that not everyone’s motivations will be so pure. “It’s not necessarily the technology, it’s the ideology,” said Joshua Horwitz, the executive director of Coalition to Stop Gun Violence. “If this insurrectionist philosophy was to gain traction, people will normalize this behavior.”

#### Outweighs:

A) strength of link- even if they win status quo regulations are bad, I prove the plan decreases the amount of regulations by fostering an anti-regulatory sentiment among citizens.

B) magnitude-the guns are cheaper, easier to access, and can be made by anyone with internet which magnifies all the aff impacts

### Illicit Markets

#### Plan pushes people to the illicit market where guns are cheaper and more available-increases gun use.

Kopel 93 David B. (Director of the Firearms Research Project at the Independence Institute, a Denver, Colorado think-tank. He also serves as an Associate Policy Analyst with the Cato Institute in Washington, D.C., and as a techincal consultant to the International Wound Ballistics Association. J.D. 1985, University of Michigan Law School; B.A. Brown University, 1982. Kopel's book, THE SAMURAI, THE MOUNTIE AND THE COWBOY: SHOULD AMERICA ADOPT THE GUN CONTROLS OF OTHER DEMOCRACIES? was awarded the Comparative Criminology Prize by the American Society of Criminology's Division of International Criminology) “PERIL OR PROTECTION? THE RISKS AND BENEFITS OF HANDGUN PROHIBITION” Saint Louis University Public Law Review Volume 12, 1993 <http://www.constitution.org/2ll/2ndschol/63perilo.htm> JW

Dixon expects the "fact that such guns are inaccurate and dangerous to the user will also act as a restraint to illegal gun production." [129] How much of a restraint may be open to doubt. While homemade guns will not win target- shooting contests, target shooters will have their own guns (kept at shooting ranges under the Dixon proposal), and homemade guns may suffice for robbery purposes. And most homicides, like most robberies, are perpetrated at very close range where accuracy is not an issue. The risk that a homemade gun could explode in a shooter's hand may deter some otherwise law-abiding citizens who would want to own an illegal handgun for protection. On the other hand, if the person believes that the threats to his or her life and family are serious enough to commit the serious crime of buying an illegal handgun, the additional risk posed by potentially defective handgun may seem small. In addition, newfound popularity for bootleg guns might result in handguns becoming cheaper than they are now, just as in alcohol prohibition days, bootleg gin often cost less than legal alcohol had. If handguns were cheaper, they might become more available to small-time teenage criminals and other low-end miscreants; criminals might end up more widely armed than ever before. The inevitable [illicit] black market in homemade and imported illegal handguns would provide a major new revenue source to organized crime. As the black market in alcohol helped create and enrich organized crime in the United States, the new black market in handguns would fund and strengthen organized crime all the more. Dixon also acknowledges that illegal handguns would also flow in across American borders. [130] Indeed, if small handguns were imported in the same physical volume as marijuana, 20 million would enter the country annually. (Current legal demand for new handguns is about 2.5 million a year). [131]

### Substitution

#### Handgun ban incentivizes criminals to switch to deadlier weapons—substantially increases murder rates.

Kopel 93 David B. (Director of the Firearms Research Project at the Independence Institute, a Denver, Colorado think-tank. He also serves as an Associate Policy Analyst with the Cato Institute in Washington, D.C., and as a techincal consultant to the International Wound Ballistics Association. J.D. 1985, University of Michigan Law School; B.A. Brown University, 1982. Kopel's book, THE SAMURAI, THE MOUNTIE AND THE COWBOY: SHOULD AMERICA ADOPT THE GUN CONTROLS OF OTHER DEMOCRACIES? was awarded the Comparative Criminology Prize by the American Society of Criminology's Division of International Criminology) “PERIL OR PROTECTION? THE RISKS AND BENEFITS OF HANDGUN PROHIBITION” Saint Louis University Public Law Review Volume 12, 1993 <http://www.constitution.org/2ll/2ndschol/63perilo.htm> JW

If handguns were [banned] somehow removed from the hands of malfeasants, would the death toll actually increase? Some gun misusers would switch to knives (not much less deadly than small handguns), while others would switch to rifles and shotguns (much more likely to kill than handguns). If enough misusers switched from handguns to long guns, the death toll might therefore increase, or so the "substitution argument" goes. Dixon confronts the substitution argument carefully, and provides one of the most comprehensive critiques of substitution theory ever offered by a handgun prohibitionist. \*327 Dixon is right to take the substitution argument seriously. While handgun wounds are usually survivable, especially if the victim gets medical attention quickly, shotgun blasts at close range are much more likely to be fatal. The shotgun fires a large slug, or from six to more than sixty pellets, with one trigger squeeze. A single shotgun pellet, because it may be of a diameter equal to a small handgun bullet, can inflict nearly as much damage as a small handgun bullet. [177] Wound ballistics and firearms experts concur that at short range, a shotgun is by far the deadliest weapon. [178] Anti-prohibition writers such as David Hardy, Gary Kleck, and Don Kates have argued that a high level of substitution of long guns for handguns would occur in the case of a hypothetical American handgun ban. Dixon offers a careful rebuttal of their arguments, and concludes that (since he has placed the burden of proof on prohibition opponents) the case for a substitution effect has not been proven convincingly enough to overcome what he considers the strong evidence for handgun prohibition. Overlooked in the discussion of a substitution effect resulting from a hypothetical American handgun ban is non- hypothetical evidence from other countries. As Dixon showed earlier in his article, countries with more handguns per capita tend to have more handgun homicides per capita. [179] Switzerland, which has, by world standards, relatively lenient handgun laws, has more handgun homicides per capita than countries where handgun laws are tougher. [180] From the handgun density/handgun homicide correlation in Switzerland and other nations (as well as from other evidence detailed supra), Dixon concludes that handgun density strictly correlates with handgun homicide. [181] Let us \*328 assume that Dixon is right. In countries such as Australia and Canada, where handgun laws are much stricter than in Switzerland, the handgun homicide rate is lower than in Switzerland, but the total homicide rate is over 100 percent greater. [182] The reason cannot be that Australians and Canadians are more prone to want to kill somebody than the Swiss are - Dixon has explicitly assumed that human nature in developed countries is roughly similar everywhere. [183] So why then do Canada and Australia have more murders, even though they have stricter handgun laws, and fewer handgun murders? One plausible explanation is the substitution effect. A sufficiently large number of Australians and Canadians, unable to obtain handguns, do their shooting with rifles or shotguns; their victims die, whereas if they had been shot with handguns, many would have survived. Although some Australian and Canadian assailants, unable to obtain handguns, switched to less deadly weapons (such as clubs), the number of assailants who switched to rifles and shotguns was sufficiently large to increase the overall death toll. If we have plausible evidence to suggest that a substitution effect may have occurred in Australia and Canada, could a similar effect occur in the United States? [184] \*329 Dixon quotes research developed by Don Kates and Mark Benenson that if 30% of persons attempting homicide switched from handguns to long guns, while the other 70% switched to knives, total homicide would increase substantially. If 50% switched to long guns, the homicide rate could double, even if none of the persons switching to knives killed anyone. [185] A National Institute of Justice study of felons in state prisons found that 72% of the handgun criminals said they would switch to sawed-off shotguns if handguns became unavailable. [186] A 72% substitution rate would lead to an enormous multiplication of the current homicide rate, and Kleck expects that substitution would occur at about 70%. Dixon retorts that criminals are apt to be braggarts and liars, and might claim that nothing, including a handgun ban, could stop them from committing any crime they chose. Accordingly, the 72% substitution figure might be too high. True enough. But at the same time, at least some criminals may be highly suspicious and mistrustful of authority. Although the National Institute of Justice polling, conducted through written response to written questions, offered the respondents anonymity, some of the prisoners might have believed that their responses would not in fact be anonymous; the polling might be a "setup" to discern their plans after release, and provide a reason for denying parole. Thus, some handgun criminals might have falsely said that they would not substitute sawed-off shotguns for unavailable handguns. Do the number of braggart criminals who falsely said that they would use sawed-off shotguns outnumber the number of mistrustful criminals who falsely said they would not? It is difficult to say with certainty. But since 72% of the criminals said they would substitute, and since only 30% substitution is needed to increase substantially the homicide rate, there is a wide margin for error to assume that bragging criminals outnumber suspicious ones. Dixon critiques the Benenson and Kates estimate of a homicide rate increase because Benenson and Kates assumed that handgun users who did not switch to long guns would switch "downward" to the next most deadly weapon, knives. Almost certainly, some handgun users would, rather than using knives, turn to even less deadly weapons, such as fists, or would not attempt murder in the first place, absent a handgun. [187] But when calculating expected deaths resulting from substitution, Kates and Benenson assumed that none of the persons who switched to knives would kill anyone; in terms of resulting deaths, therefore, Kates and Benenson underestimated the \*330 deaths that would be caused by murderers who switched downward to less lethal weapons. Even assuming that none of the persons who switched down killed anyone, the homicide rate would double if half of the handgun-deprived criminals switched "up" to long guns. [188] Another tack taken by Dixon is to argue that high rates of substitution are unlikely because long guns are so inferior for most criminal purposes. He notes first of all that less than 10% of murders are currently perpetrated with long guns. [189] This is true, but, as Dixon strenuously argues, handguns are widely preferred as murder weapons, and widely available. Thus, it should not be surprising that more than 6 out of 7 gun murderers chose the "best" tool, a handgun. But what people choose when the "best" option is available does not prove how they would behave if only inferior options were available. Today, virtually all hard liquor drinkers consume the "best" hard liquor available - namely legally-produced hard liquor whose production is regulated by the government to guarantee standards of safety. Probably less than 5% of American hard liquor consumers drink bathtub gin, moonshine, and other home- brewed liquors whose safety cannot be guaranteed. Does the fact prove that very few liquor drinkers would, if legal liquor became unavailable, substitute home-brewed liquor? To the contrary, the experience of alcohol prohibition showed that a large percentage of liquor consumers, if unable to obtain safe, legal liquor, will switch to inferior, dangerous homemade liquor. [190] That murderers only rarely use long guns today does not prove that murders would eschew long guns if handguns were unavailable, any more than drinkers of legal liquor would eschew bathtub gin. [191] As another argument against substitution, Dixon points out that long guns are less concealable than handguns. Even when sawed off, a shotgun is still about 11 inches long, making it slightly larger than big handguns, and much larger than the small, low-caliber handguns which are frequently used in crime. Would sawed-off shotguns frequently be substituted in a \*331 robberies? Putting an 11 inch shotgun in one's front pocket would not be very effective concealment. On the other hand, sticking the shotgun in the inner pocket of a large coat or jacket would seem reasonably effective. Accordingly, it is plausible to infer that persons who execute planned robberies would substitute concealed shotguns. At the same time, criminals who simply carried handguns with them, and spontaneously perpetrated robberies when the opportunity arose, might not be able to carry concealed shotguns so frequently. Thus, impulsive handgun robberies would suffer less of a substitution effect than would planned robberies. Since casual carrying of firearms in general might decrease, so might the shootings that result from the casual insults and provocations that can occur on the street. Hence, it is reasonable to conclude that an effective handgun ban might prevent some shootings. But again, only a 30% substitution rate would be necessary for total homicides to rise substantially. What about in the home? It is the home, after all, rather than in robberies of stores, where the larger number of handgun homicides currently occur. Dixon argues that even in the home, the concealability of handguns is important. He asserts that substantial portion of the murders in 1989 involved "friends or acquaintances who may have been unaware that the person they are visiting is carrying a concealed weapon." [192] First of all, there is no evidence as to how many of those murderers actually were carrying a concealed weapon of which the victim was unaware. For the sake of argument, assume that all of the murders would have been prevented had handguns not been available; there is still a long way to go for the substitution ratio to be reduced below 30%, and thus not cause a net increase in homicides. Next, Dixon writes that "the ease of pulling out the [hand]gun and shooting makes such arguments far more likely to spill over into murder. In contrast, by the time the assaulter has gone into another room to retrieve their [sic] long gun and loaded it, the potential victim has crucial seconds in which to escape." [193] Here, Dixon assumes that the domestic handgun murderers were carrying the handgun on their body, rather than storing the handgun in another room. He likewise assumes that the substituted long gun would be stored in "another room" rather than the room in which the argument was taking place. He further assumes that the handguns used in the domestic shootings were loaded, but the substituted long guns would not be loaded. All of these assumptions may be simultaneously true some of the time, thus making Dixon's escape scenario plausible in \*332 some instances. (Although not every potential victim would know that the potential murderer was loading a long gun in the other room, and even then, some might not run away.) [194] But it is highly speculative to assume that Dixon's scenario of the unloaded long gun in the other room replacing the loaded handgun carried on the person would be the predominant scenario. Even if we speculatively assume that the unloaded long gun scenario would transpire more than 50% of the time, all that is needed for an increase in the death rate is a 30% substitution rate. While Dixon argues convincingly that substitution would not be universal, the evidence easily supports the conclusion that substitution of long guns for handguns would occur in at least 30% of current handgun murder situations, thus leading to a substantial increase in total deaths.

Impacts. A. terminal defense to case – people access guns. B. Turns case – people have more dangerous weapons which instills more fear and mistrust. These weapons are also more visible so there’s open declaration of war against neighbors.

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Probably less than 5% of American hard liquor consumers drink bathtub gin, moonshine, and other home- brewed liquors whose safety cannot be guaranteed. Does the fact prove that very few liquor drinkers would, if legal liquor became unavailable, substitute home-brewed liquor? To the contrary, the experience of alcohol prohibition showed that a large percentage of liquor consumers, if unable to obtain safe, legal liquor, will switch to inferior, dangerous homemade liquor. [190] That murderers only rarely use long guns today does not prove that murders would eschew long guns if handguns were unavailable, any more than drinkers of legal liquor would eschew bathtub gin. [191] As another argument against substitution, Dixon points out that long guns are less concealable than handguns. Even when sawed off, a shotgun is still about 11 inches long, making it slightly larger than big handguns, and much larger than the small, low-caliber handguns which are frequently used in crime. Would sawed-off shotguns frequently be substituted in a \*331 robberies? Putting an 11 inch shotgun in one's front pocket would not be very effective concealment. On the other hand, sticking the shotgun in the inner pocket of a large coat or jacket would seem reasonably effective. Accordingly, it is plausible to infer that persons who execute planned robberies would substitute concealed shotguns. At the same time, criminals who simply carried handguns with them, and spontaneously perpetrated robberies when the opportunity arose, might not be able to carry concealed shotguns so frequently. Thus, impulsive handgun robberies would suffer less of a substitution effect than would planned robberies. Since casual carrying of firearms in general might decrease, so might the shootings that result from the casual insults and provocations that can occur on the street. Hence, it is reasonable to conclude that an effective handgun ban might prevent some shootings. But again, only a 30% substitution rate would be necessary for total homicides to rise substantially. What about in the home? It is the home, after all, rather than in robberies of stores, where the larger number of handgun homicides currently occur. Dixon argues that even in the home, the concealability of handguns is important. He asserts that substantial portion of the murders in 1989 involved "friends or acquaintances who may have been unaware that the person they are visiting is carrying a concealed weapon." [192] First of all, there is no evidence as to how many of those murderers actually were carrying a concealed weapon of which the victim was unaware. For the sake of argument, assume that all of the murders would have been prevented had handguns not been available; there is still a long way to go for the substitution ratio to be reduced below 30%, and thus not cause a net increase in homicides. Next, Dixon writes that "the ease of pulling out the [hand]gun and shooting makes such arguments far more likely to spill over into murder. In contrast, by the time the assaulter has gone into another room to retrieve their [sic] long gun and loaded it, the potential victim has crucial seconds in which to escape." [193] Here, Dixon assumes that the domestic handgun murderers were carrying the handgun on their body, rather than storing the handgun in another room. He likewise assumes that the substituted long gun would be stored in "another room" rather than the room in which the argument was taking place. He further assumes that the handguns used in the domestic shootings were loaded, but the substituted long guns would not be loaded. All of these assumptions may be simultaneously true some of the time, thus making Dixon's escape scenario plausible in \*332 some instances. (Although not every potential victim would know that the potential murderer was loading a long gun in the other room, and even then, some might not run away.) [194] But it is highly speculative to assume that Dixon's scenario of the unloaded long gun in the other room replacing the loaded handgun carried on the person would be the predominant scenario. Even if we speculatively assume that the unloaded long gun scenario would transpire more than 50% of the time, all that is needed for an increase in the death rate is a 30% substitution rate. While Dixon argues convincingly that substitution would not be universal, the evidence easily supports the conclusion that substitution of long guns for handguns would occur in at least 30% of current handgun murder situations, thus leading to a substantial increase in total deaths.

Impacts. A. terminal defense to case – people access guns. B. Turns case – people have more dangerous weapons which instills more fear and mistrust. These weapons are also more visible so there’s open declaration of war against neighbors.

## Means-Based Offense

#### T - Totalizing assumptions of the other alienate them and prevent them from being included within our moral view

**Beavers 95,** Anthony F., Introducing Levinas to Undergraduate Philosophers, 1995. NP

If we can accept this notion that ideas are inventions of the mind, that ideas are, when it comes down to it, only interpretations of something, and if ethics, in fact, is taken to refer[s] to real other persons who exist apart from my interpretations, then we are up against a problem: there is no way in which ideas, on the current model, [do not] refer to independently existing other persons, [thus] and as such, ideas cannot be used to found an ethics. There can be no pure practical reason until after contact with the other is established. Given this view towards ideas, then, anytime I take the person in my idea to be the real person, I have closed off contact with the real person; I have cut off the connection with the other that is necessary if ethics is to refer to real other people. This is a central violence to the other that denies the other his/her own autonomy. Levinas calls this violence "totalization" and it occurs whenever I limit the other to a set of rational categories, be they racial, sexual, or otherwise. Indeed, it occurs whenever I already know what the other is about before the other has spoken. Totalization is a denial of the other's difference, the denial of the otherness of the other. That is, it is the inscription of the other in the same. If ethics presupposes the real other person, then such totalization will, in itself, be unethical.

Handgun bans are inherently totalizing. A ban is by definition an absolutist rule and breeds totalization since it presumes only one role for gun ownership, and ignores particularities of individual needs. This outweighs – a. it precludes interactions between individuals – if we can not conceptualize the reality of the other, they are considered alien, b. epistemic prerequisite – if you can not conceptualize the other, you can not include them in your community

#### T- mandatory frameworks inhibit a sense of responsibility for other members of society

Mansell, Samuel. Proximity and Rationalisation: Reflections on the Limits of a Levinasian Ethics in the context of Corporate Governance. https://www2.le.ac.uk/departments/management/documents/research/research-units/cppe/conference-pdfs/levinas/mansell.pdf

The more flexible a set of rules can be, such as the voluntary codes and principles used by business, the more chance will exist for aligning these **r**ules with a sense of responsibility for the Other. This requirement for flexibility is explained by Levinas’s argument that our responsibility for the Other can never be set along one fixed dimension. So, paradoxically perhaps, whilst the sort of ethical codes used by business can serve as an escape from real responsibility, they can at the same time (through their flexible and voluntary nature) offer the possibility for a degree of alignment with responsibility that a mandatory framework cannot capture. Directors have, under the UK Combined Code of 2003 (which I mention only as an example) the choice to comply with the principles in the code, or explain why they have deviated from them. Likewise, an employee who is supposedly subject to the ‘ethical code’ of the business will almost always have room for a flexible interpretation of what this means in any given context, and be able to apply what Aristotle (1980) calls ‘practical wisdom’. There is a chance that in the space left open by this flexibility, principles can be adhered to that do reflect a genuine openness of responsibility.

This outweighs – a. ability to recognize responsibility for others is an individual obligation, not the state’s since the community exists between individuals. B. it’s intrinsic to the maxim of the aff - there’s no room to choice whether or not to carry handguns – your intention arguments are solely about mindset, which is contingent, and not an intention since it’s a question of what is a part of the structure of a given maxim. C. Longevity – it establishes a culture of responsibility that does not have to be enforced by the state.

#### T- Our obligations to others within an ethical community can not be coerced

Duquette, David A. (St. Norbert College) Hegel: Social and Political Thought. [www.iep.utm.edu/hegelsoc/](http://www.iep.utm.edu/hegelsoc/) NP 3/6/16.

Only through the political constitution of the State can universality and particularity be welded together into a real unity. The self-consciousness of this unity is expressed in the recognition on the part of each citizen that the full meaning of one's actual freedom is found in the objective laws and institutions provided by the State. The aspect of identity comes to the fore in the recognition that individual citizens give to the ethical laws such that they "do not live as private persons for their own ends alone, but in the very act of willing these they will the universal in the light of the universal, and their activity is consciously aimed at none but the universal end" (¶ 260). The aspect of differentiation, on the other hand, is found in "the right of individuals to their particular satisfaction," the right of subjective freedom which is maintained in Civil Society. Thus, according to Hegel, "the universal must be furthered, but subjectivity on the other hand must attain its full and living development. It is only when both these moments subsist in their strength that the state can be regarded as articulated and genuinely organized" (¶ 260, addition). As was indicated in the introduction to the concept of Ethical Life above, the higher authority of the laws and institutions of society requires a doctrine of duties. From the vantage point of the political State, this means that there must be a correlation between rights and duties. "In the state, as something ethical, as the inter-penetration of the substantive and the particular, my obligation to what is substantive is at the same time the embodiment of my particular freedom. This means that in the state duty and right are united in one and the same relation" (¶ 261). In fulfilling one's duties one is also satisfying particular interests, and the conviction that this is so Hegel calls "political sentiment" (politische Gesinnung) or patriotism. "This sentiment is, in general, trust (which may pass over into a greater or lesser degree of educated insight), or the consciousness that my interest, both substantive and particular, is contained and preserved in another's (that is, the state's) interest and end, i.e., in the other's relation to me as an individual" (¶ 268). Thus, the "bond of duty" cannot involve being coerced into obeying the laws of the State. "Commonplace thinking often has the impression that force holds the state together, but in fact its only bond is the sense of order which everybody possesses" (¶ 268, addition).

Impacts A. Terminal defense to case – choosing not to carry handguns may be a good thing, but that does not give the state entitlement to force you to cease carrying them. B. This outweighs – there’s only the possibility of acknowledging our membership within the ethical community when state coercion is not present

# Extra

#### This framework’s just Kant - only the categorical imperative unifies the concrete and the abstract to develop conclusive obligations that let us create an ethical community

Farr 9, Arnold. Can a Philosophy of Race Afford to Abandon the Kantian Categorical Imperative?. <https://blog.ufba.br/kant/files/2009/12/Can-a-Philosophy-of-Race-Afford-to-Abandon-the.pdf> NP 9/24/15.

One of the most popular criticisms of Kant’s moral philosophy is that it is too formalistic.13 That is, the universal nature of the categorical imperative leaves it devoid of content. Such a principle is useless since moral decisions are made by concrete individuals in a concrete, historical, and social situation. This type of criticism lies behind Lewis Gordon’s rejection of any attempt to ground an antiracist position on Kantian principles. The rejection of universal principles for the sake of emphasizing the historical embeddednes of the human agent is widespread in recent philosophy and social theory. I will argue here on Kantian grounds that although a distinction between the universal and the concrete is a valid distinction, the unity of the two is required for an understanding of human agency. The attack on Kantian formalism began with Hegel’s criticism of the Kantian philosophy.14 The list of contemporary theorists who follow Hegel’s line of criticism is far too long to deal with in the scope of this paper. Although these theorists may approach the problem of Kantian formalism from a variety of angles, the spirit of their criticism is basically the same: The universality of the categorical imperative is an abstraction from one’s empirical conditions. Kant is often accused of making the moral agent an abstract, empty, noumenal subject. Nothing could be further from the truth. The Kantian subject is an embodied, empirical, concrete subject. However, this concrete subject has a dual nature. Kant claims in the Critique of Pure Reason as well as in the Grounding that human beings have an intelligible and empirical character.15 It is impossible to understand and do justice to Kant’s moral theory without taking seriously the relation between these two characters. The very concept of morality is impossible without the tension between the two. By “empirical character” Kant simply means that we have a sensual nature. We are physical creatures with physical drives or desires. The very Philosophy of Race and the Categorical Imperative 21 fact that I cannot simply satisfy my desires without considering the rightness or wrongness of my actions suggests that my empirical character must be held in check by something, or else I behave like a Freudian id. My empirical character must be held in check by my intelligible character, which is the legislative activity of practical reason. It is through our intelligible character that we formulate principles that keep our empirical impulses in check. The categorical imperative is the supreme principle of morality that is constructed by the moral agent in his/her moment of self-transcendence. What I have called self-transcendence may be best explained in the following passage by Onora O’Neill: In restricting our maxims to those that meet the test of the categorical imperative we refuse to base our lives on maxims that necessarily make our own case an exception. The reason why a universilizability criterion is morally significant is that it makes our own case no special exception (G, IV, 404). In accepting the Categorical Imperative we accept the moral reality of other[s] selves, and hence the possibility (not, note, the reality) of a moral community. The Formula of Universal Law enjoins no more than that we act only on maxims that are open to others also.16 O’Neill’s description of the universalizability criterion includes the notion of self-transcendence that I am working to explicate here to the extent that like self-transcendence, universalizable moral principles require that the individual think beyond his or her own particular desires. The individual is not allowed to exclude others as rational moral agents who have the right to act as he acts in a given situation. For example, if I decide to use another person merely as a means for my own end I must recognize the other person’s right to do the same to me. I cannot consistently will that I use another as a means only and will that I not be used in the same manner by another. Hence, the universalizability criterion is a principle of consistency and a principle of inclusion. That is, in choosing my maxims I attempt to include the perspective of other moral agents. B

Tacik 14 summarizes Kant, Przemysław. On the Kantian Answer to “Kripkenstein”’s Rule-following Paradox. Problems of Normativity, Rules and Rule-Following Volume 111 of the series Law and Philosophy Library pp 67-82. November 8, 2014. NP 2/27/16.

Thirdly and most importantly, Kantian idea of the division of subject sheds light on the pivotal moment of Wittgenstein’s thinking. The paragraph 202 of Philosophi- cal Investigations reads:

And hence also ‘obeying a rule’ is a practice. And to think one is obeying a rule is not to obey a rule. Hence it is not possible to obey a rule ‘privately’: otherwise thinking one was obeying a rule would be the same thing as obeying it (Wittgenstein 1974, §. 202).

Kripke draws upon this quote in his formulation of the argument against a private language (1982, p. 110). I am convinced, however, that Kantian critique allows of reworking this argument. According to Kripke no individua**l**, considered in isola- tion, could be described as obeying a rule. Rule-application requires support of community—providing the assessment concerning correctness of application—in order to function. Thus Kripke transposes the difference between rules and pri- vate language onto the gap between community and individuals. Hence some tricky awkwardness of his reasoning: Kripke must explain why Robinson Crusoe could obey rules in seclusion. Being deprived of community assessment, Crusoe would never have true rules but some private pseudo-rules. In order to avoid this conse- quence, Kripke claims that a private language does not involve physical isolation but considering the act of rule application regardless of any community assessment. Crusoe might live on a desert island, but still—when we think about him—he is put in the context of community, which might verify his rule-following.9

The shift in the meaning of community that Kripke proposed makes this concept more dubious than ever. What is its status? Is it a real group of people? Does the rule have to be effectively followed in this community, or is it only abstract veri- fication that matters? Maybe it is an imaginary group of men and women? Or is it just a mode in which rule-following is assessed, a possibility of putting someone’s applications of a rule in the context of potential assessment, regardless of actual practice? Or, finally—extrapolating Colin McGinn’s hints (1984, pp. 67, 189)10—is it some kind of community between applications of a rule, not between people?

Kantian critique might provide an answer here. Kant assumes that the perceiving subject is split into consciousness and the transcendental unity of apperception. The latter is this mysterious instance that provides stability of experience. In the logic of the previous reasoning, it might also be interpreted as the instance of normativ- ity. If so, the subject would be divided into two faculties: conscious and normative. Before I try to develop this suggestion, I propose to identify Kripke’s “community” with this normative faculty. It would no longer have to be associated with any kind of real community, but would be equivalent to the instance of normativity in the subject. Therefore, as long as the subject remains internally split, it has its “com- munity” within itself.

The split of subject into two instances would mean that consciousness (and con- scious application of rules) is not self-contained. It always refers to some inner, purely formal faculty which guarantees the continuity of rule-applications. As a consequence, even if I follow a rule in complete privacy, consciousness is not the same instance that both applies this rule and assesses its correctness.